

34A-5-108 Judicial enforcement of division findings.

- (1) The commission or the attorney general at the request of the commission shall commence an action under Section 63G-4-501 for civil enforcement of a final order of the commission issued under Subsection 34A-5-107(11) if:
 - (a) the order finds that there is reasonable cause to believe that a respondent has engaged or is engaging in discriminatory or prohibited employment practices made unlawful by this chapter;
 - (b) counsel to the commission or the attorney general determines after reasonable inquiry that the order is well grounded in fact and is warranted by existing law;
 - (c) the respondent has not received an order of automatic stay or discharge from the United States Bankruptcy Court; and
 - (d)
 - (i) the commission has not accepted a conciliation agreement to which the aggrieved party and respondent are parties; or
 - (ii) the respondent has not conciliated or complied with the final order of the commission within 30 days from the date the order is issued.
- (2) If the respondent seeks judicial review of the final order under Section 63G-4-403, pursuant to Section 63G-4-405 the commission may stay seeking civil enforcement pending the completion of the judicial review.

Amended by Chapter 382, 2008 General Session